





File No.: 04394/000M995-US0

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Cin Kim

Serial No.:

10/623,104

Examiner:

N/A

Filed:

July 18, 2003

Group Art Unit:

N/A

For:

APPAREL HOLDER WITH APPAREL COORDINATOR LOCATOR

PETITION TO REQUEST FOR WITHDRAWAL OF NOTICE OF INCOMPLETE APPLICATION AND TO FILE MISSING PARTS OF APPLICATION - NO FILING DATE

MS: Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is a petition to withdraw the Notice of Incomplete Application and To File Missing Parts of Application - No Filing Date issued in the above-identified patent application filed pursuant to 37 C.F.R. 1.53(b)(1) on July 18, 2003 (a copy of which is attached hereto). The application has been held incomplete for failure to file a complete set of drawings. As an attorney of record in this application, submit herewith a Declaration by Jessica Rojas to establish that a complete set of drawings (4 sheets, Figs. 1-6) was timely filed on July 18, 2003, along with the other application papers. Specifically, that such complete set of drawings was filed

by Certificate of Express Mailing on that date, in an envelope properly addressed and mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and was actually received in the USPTO on July 18, 2003, as evidenced by the return postcard.

Also submitted herewith is a copy of the filed drawings (4 sheets, Figures 1-6) for entry in the present application.

Applicant encloses the requisite petition fee of \$130.00; however, Applicant respectfully requests that this amount be credited to Applicant's attorneys deposit account No. 04-0100 since Applicant respectfully contends that the present documentation clearly establishes that 4 sheets of drawing figures were filed with the other application papers and through no error by the Applicant these figures have become misplaced at the USPTO. Since, Applicant fully complied with the rules and should be entitled to a filing date, a refund of the petition fee is in order.

The Notice of Incomplete Application and To File Missing Parts of Application - No Filing Date should therefore be withdrawn and the filing date of July 18, 2003 should be formally accorded to the above-identified application and the 4 sheets of figures should be made of record and given the effect of the original filing date.

Dated: November 12, 2003

Respectfully submitted,

Edward J. Ellis Reg. No. 40,389

Attorney For Applicant(s)

DARBY & DARBY P.C. 805 Third Avenue New York, New York 10022 (212) 527-7700 lication No. (if known): 10/623,104

Attorney Docket No.: 04394/000M995-US0

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as in an envelope addressed to: Express Mail, Airbill No.

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

November 12, 2003 Date

Typed or printed name of person signing Certificate

Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Petition to Request for Withdrawal of Notice of Incomplete Application (3

Declaration of Jessica Rojas (3 pages);

Exhibit A - Copy of Notice (2 page);

Exhibit B - Copy of Postcard (1 page);

Exhibit C - Copy of Returned Postcard (1 page);

Exhibit D - Copy of Mail Log (1 page);

Check No. **3209** in the amount of \$130.00;

Certificate of Express Mail (1 page); and

Return Postcard.